

FILED
HARRISBURG, PA

MAY 13 2008

Dear Clerk of Court,

MARY E. D'ANDREA, CLERK

Per

I'm writing requesting extended time to appeal the Courts Decision of my 3582(c)(2) Motion. Claiming that the District Court erred in determining that it (Amendment 706) does not apply. The Court erred by stating that I was sentenced to 4.5 or more kilos of Crack, Level 38. The Court must accept the Nov. 2000 PSI in to evidence, the same PSI that this Honorable Court, Judge William Caldwell Accepted at sentencing on Nov. 29, 2000. Stating that my sentence is Category V LEVEL 38 1.5 kilos or more, Not Level 38, 4.5 kilos or more. It shows clearly in the PSI the sentencing info and from the PSI is the sentence on record that's been approved by Judge William Caldwell. My sentence should be Level 36 1.5 kilos (with a point reduction) minus 10 plus month. Amendment 706 does apply and this Court should make a review of the record (PSI) to see.

May 5th, 2008

Thank you for
your time in this
matter

writing this letter

Kenneth Simmons

From the Solitary Confinement
Section of the Prison, no
Access to typewriter, pens or copies

#09983067

Kenneth Simmons II

Dec 83-067

Federal Correction Institution
"Loretto"

PA 16602

Rec 1000
Rec'd 10 15 AM

Johnstown PA 159

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